

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

DAVID LORENZA JOYNER, #1230707

v.

BRAD LIVINGSTON,  
EXECUTIVE DIRECTOR OF TDCJ

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CIVIL ACTION NO. G-06-366

**ORDER**

On April 25, 2007, Petitioner in the above-titled case filed a Notice of Appeal (Instrument No. 55) from the Order and Final Judgment entered in the instant habeas corpus action on March 8, 2007, and from this Court's April 9, 2007, denial of Petitioner's "Motions to be Relieved of the Final Order and Judgment and to Reopen the Case Incorporated with a Motion/Affidavit for [Judge] Kent's and [Judge] Froeschner's Mandatory Recusal/Disqualification." Petitioner has also filed a request for a Certificate of Appealability (Instrument No. 56).

Under 28 U.S.C. § 2253(c)(2), a Certificate of Appealability may issue only if Petitioner has made a substantial showing of the denial of a constitutional right. In accordance with paragraph 2253(c)(3), this Court must specify which issues satisfy the showing under subparagraph (c)(2). Since Petitioner has not shown that this Court erred in accepting the Report and Recommendation of the Magistrate Judge, and since the Court carefully reviewed his Objections to the Report and Recommendation, as well as his other motions, it is **ORDERED** that a Certificate of Appealability (Instrument No. 56) is **DENIED**.

Since Petitioner was earlier granted leave to proceed *in forma pauperis*, he may continue to do so under Rule 24(a)(3) of the Federal Rules of Appellate Procedure.

DONE at Galveston, Texas, this 26<sup>th</sup> day of April, 2007.

  
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SAMUEL B. KENT  
UNITED STATES DISTRICT JUDGE